

**Before the State of South Carolina
Department of Insurance**

In the Matter of:)	SCDOI Docket # 07-0967
)	
Thomas J. Lowery)	ORDER IMPOSING
)	ADMINISTRATIVE FINE
)	
)	
)	

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting that an administrative fine of \$750.00 be imposed on Thomas J. Lowery (Professional Bondsman).

After careful review of the evidence presented, the Department issues the following decision.

FINDINGS OF FACT

Producer is currently a South Carolina Professional Bondsman.

In the State of South Carolina, the professional bondsman failed to remit a written bond report in a timely manner to the Sumter County Clerk of Court for the months of January, February, March and April 2007.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-53-150(A)(7) "The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes".....(7) "failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department". Further pursuant to S.C. Code §38-53-310 "Each professional bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business a written report in a form prescribed by the director or his designee regarding all bail bonds on which he is liable as of the first day of each month....." Because Thomas J. Lowery d/b/a J&J Bail Bonds failed to remit written bond reports in a timely manner to the Sumter County Clerk of Court for the months of January, February, March and April 2007, this Department may now place on probation, revoke, or suspend his professional bondsman license. In lieu of probation, suspension or revocation, the Department now moves to impose an administrative fine of \$750.00.

THEREFORE, it is ordered that Thomas J. Lowery, a South Carolina professional bail bondsman shall pay an administrative fine of \$750.00 within thirty (30) days from the date of this order, unless Thomas J. Lowery requests in writing within said thirty (30)

day period a public hearing before the South Carolina Administrative Law Court. If Thomas J. Lowery fails to pay the administrative fine as stated or request a public hearing before the South Carolina Administrative Law Court within thirty (30) days from the date of this order, his professional bondsman license will be summarily revoked without any further disciplinary proceedings.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Scott H. Richardson
Director of Insurance

Dated this 31 day of March, 2008